

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SHAWN ANTONIO SHAVERS,
Petitioner,

v.

1:14-cv-3849-WSD

**JUDGE GEORGE F.
HUTCHINSON, III, SHARON L.
HOPKINS, Esq., and MR.
CHATMAN, Warden, et al.,**
Respondents.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Linda T. Walker’s Final Report and Recommendation [4] (“R&R”). The R&R considers Petitioner Shawn Antonio Shavers’ (“Petitioner”) Petition for Writ of Habeas Corpus (“Petition”) [1]. The Magistrate Judge recommended that the Petition be dismissed without prejudice for Petitioner’s failure to comply with the Magistrate Judge’s December 11, 2014, Order [3].

I. BACKGROUND

On December 3, 2014, Petitioner filed his Petition pursuant to 28 U.S.C. § 2254. On December 11, 2014, the Magistrate Judge ordered [2] Petitioner to submit, within thirty (30) days: (1) either the \$5.00 filing fee for this case or a

completed application to proceed *in forma pauperis*, and (2) an amended petition on the 28 U.S.C. § 2254 petition form the Court will provide him, with all portions of the form completed. (December 11, 2014, Order, at 2). Petitioner did not comply with the Magistrate Judge's December 11, 2014, Order.

On January 29, 2015, the Magistrate Judge recommended that the Court dismiss Petitioner's Petition without prejudice for Petitioner's failure to comply with the December 11, 2014, Order. (R&R at 2). Petitioner did not file any objections to the R&R.

II. DISCUSSION

A. Legal Standard

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert denied, 459 U.S. 1112 (1983). A district judge "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). With respect to those findings and recommendations to which a party has not asserted objections, the district judge

must conduct a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983).

B. Analysis

Petitioner has not objected to the Magistrate Judge's R&R. The Court thus reviews the Magistrate Judge's findings and recommendations for plain error. See Slay 714 F.2d at 1095. The Magistrate Judge found that Petitioner failed to comply with the December 11, 2014, Order, and properly recommended that the Court dismiss Petitioner's Petitioner. See LR 41.3(A)(2), NDGa. The Court finds no plain error in Magistrate Judge's findings and recommendation. See Slay, 714 F.2d at 1095.

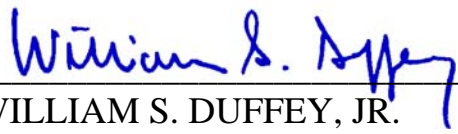
III. CONCLUSION

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge Linda T. Walker's Final Report and Recommendation [4] is **ADOPTED**.

IT IS FURTHER ORDERED that Petitioner Shawn Antonio Shavers' Petition for Writ of Habeas Corpus [1] is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 19th day of May, 2015.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE